IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

WP(C).No. 24184 of 2007(D)

PETITIONER:

1. JOHN, S/O. MANI,
   MUTTAPPALLIL HOUSE, KOZHA KARA,
   KURAVILANGADU VILLAGE.

2. TOMY, S/O. MANI,
   MUTTAPPALLIL HOUSE, KOZHA KARA,
   KURAVILANGADU VILLAGE.

3. SHAJI JOSE, S/O. JOSEPH,
   ALAPPATTUMEDAYIL HOUSE, KURAVILANGADU KARA
   AND VILLAGE.

BY ADV. SRI.P.C.HARIDAS

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
   ITS SECRETARY TO THE DEPARTMENT OF
   AGRICULTURE (NCA), THIRUVANANTHAPURAM.

2. REVENUE DIVISIONAL OFFICER,
   PALA.

3. JOSEPH THOMAS,
   PANAKUZHACKAL HOUSE, KURAVILANGADU.

4. RAHUL GEORGE MATTOM, S/O. GEORGE JOHN,
   MATTATHILKULATHINANIYIL, KURIYANADU KARA,
   MONIPPALLY VILLAGE.

5. GEORGE, S/O. JOHN,
   MATTATHILKULATHINANIYIL, KURIYANADU KARA,
   MONIPPALLY VILLAGE.

BY G.P. SHRI.P.K.BABU.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

==========

W.P.(C).No.24184 of 2007

==========

Dated this the 8th day of August, 2007

J U D G M E N T

The petitioners challenge Ext.P5 order passed by the Government in a revision filed by the petitioners under Clause 14 of the Kerala Land Utilization Order. Ext.P2 order dated 22.6.1996 was passed in favour of the third respondent permitting the third respondent to covert certain wet land into dry land. Petitioners' contention is that the petitioners were not aware of Ext.P2 order and they knew about the same only when the third respondent produced the same in a suit filed by them. The petitioners further submit that Ext.P5 order was passed directing the petitioners to file an appeal against Ext.P2 order before the Land Revenue Commissioner as provided under the Kerala Land Utilization Order. Petitioners' submission is that since the period of limitation prescribed for filing the appeal is over, the petitioners cannot file appeal and that is why revision has been

filed under Clause 14. When it was pointed out to the petitioners that Ext.P2 order was passed as early as on 22.6.1996, they would submit that the same was passed without hearing neighbouring owners and therefore, the petitioners were not aware of the proceedings also. I cannot countenance the contention of the petitioners. More than 11 years have already elapsed. I do not think that I would be justified in setting aside the same at this point of time especially since I do not find anything wrong with Ext.P5 order. Accordingly, the writ petition is dismissed.

Sd/-
sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.